

STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES  
3310 El Camino Ave  
Sacramento, CA 95821

REGARDING FINANCIAL ASSISTANCE AND COST-SHARING WITH  
FEDERALLY AUTHORIZED FLOOD MANAGEMENT PROJECTS  
AND SMALL FLOOD MANAGEMENT PROJECTS

AB1788 Draft Regulations  
Proposed Text of Regulations  
In Title 23, California Code of Regulations, Division 2  
Chapter 4.5, Amend Sections 570, 571, 572, 573, 574, 575, and  
576, and Appendix I, to read as follows:

§ 570. Scope.

Pursuant to Assembly Bill No. 1147 (Statutes of 2000, Chapter 1071) these  
These regulations implement Water Code Sections 12582.7, 12585.7 and  
12585.9, which became effective on January 1, 2001, by establishing a  
process for determining the percentage of state financial assistance for flood  
management projects authorized by the Legislature on or after January 1,  
2002 and to small flood management projects authorized by Section 12750  
for which the Department makes findings required by Section 12750.1 on or  
after January 1, 2002.

Pursuant to Assembly Bill No. 1788 (Statutes of 2010, Chapter 579) these  
regulations implement amendments to Water Code Section 12585.7 by  
updating the process for determining the percentage of state financial  
assistance for flood management projects as it pertains to economically  
disadvantaged communities.

Note: Authority cited: Sections 12585.7, 12585.9 and 12601, Water Code.  
Reference: Sections 12582.7, 12585.7, and 12750.1 ~~and 12585.7~~, Water Code.

§ 571. Definitions.

The following terms used in these regulations have the meanings set forth below:

~~(a) "Average family size" means the average family size for the benefited area. This data can be obtained from the U.S. Census Bureau or other federal, state or local governmental demographics.~~

~~(a b) "Benefited Area area" means the geographical area that is protected by a flood management project. receives improved flood protection from the proposed Project and must be the same area for which benefits are estimated for the economic analysis.~~

(b) "Benefited Area Median Annual Household Income" means the median annual household income for the Benefited Area. The data used to determine this income level can be obtained from the U.S. Census Bureau or from a vendor of updated census-based data acceptable to the Department or Board.

(c) "Block" means the smallest ~~subdivision~~ geographic area within a block group of a census geographic tract. This data can be obtained from the U.S. Census Bureau or from a vendor of updated census-based data acceptable to the Department. ~~other federal, state or local governmental demographics.~~

(d) "Block Group group" means a cluster of Blocks blocks within a census geographic tract. The block group is the smallest census unit to have demographic data. This data can be obtained from the U.S. Census Bureau or from a vendor of updated census-based data acceptable to the Department or Board. ~~or other federal, state or local governmental demographics.~~

(e) "Board" means the Central Valley Flood Protection Board, formerly known as The Reclamation Board.

(f) "California Median Annual Household Income" means the median annual household income for California. The data used to determine this income level can be obtained from the U.S. Census Bureau or from a vendor of updated census-based data acceptable to the Department or Board.

(g f) "Department" means the Department of Water Resources.

(h g) "Department or Board" means the Board for Projects projects over which the Board has jurisdiction and is the nonfederal sponsor, and the Department for all other Projects projects.

(i) "Disadvantaged Area" means a Benefited Area with a median annual household income that is less than 80 percent of the California Median Annual Household Income at the time the analysis to determine the recommended State Cost-Share is performed by the Department or Board.

(j) "Disadvantaged Household Income" means 80 percent of the California Median Annual Household Income.

(k) "Draft Nonfederal Cost-Sharing Report" is a report prepared by the Sponsor to document the Sponsor's estimates of the contributions of the Project project to the Objectives objectives of Water Code Sections 12585.7(d)(1) through 12585.7(d)(5). The requirements of this report are described in Sections 573, 574, and 575 of these regulations.

~~(i) "Estimated nonfederal capital cost" means that portion in dollars of the estimated total capital cost of a project determined by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service to be the financial responsibility of participants other than the United States, usually identified in the federal feasibility study report, final design memorandum or other approved federal project document.~~

~~(j) "Estimated total capital cost" means the total project cost as identified in the final federal feasibility study report, final design memorandum or other approved federal project document. It includes all costs in the federal project subject to cost sharing, such as construction, planning, engineering and design, construction management, lands, easements, relocations, and land disposal and mitigation costs.~~

(l) "Federal Feasibility Study Report" means the approved decision document used by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service, that establishes the feasibility for the Project project, and typically includes an environmental document prepared under the National Environmental Policy Act.

(m) "Final Nonfederal Cost-Sharing Report" is a report prepared by the Sponsor that includes the Draft Nonfederal Cost-Sharing Report, comments received during a forty-five-day public comment period, and responses to the public comments.

~~(m) "Impoverished area" means a benefited area that has a median household income less than 120 percent of the poverty level, for the most current year in which data is available at the time the analysis is performed to determine the recommended state cost share.~~

~~(n) "Median household income" means the median household income for the benefited area. This data can be obtained from the U.S. Census Bureau or~~

~~other federal, state or local governmental demographics.~~

(n) "Nonfederal Capital Cost" means that portion in dollars of the Total Capital Cost of a Project determined by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service to be the financial responsibility of participants other than the United States, usually identified in the project partnership agreement, final design memorandum, or other approved federal Project document.

(o) "Objective" means the feature, character, or quality described in Water Code Sections 12585.7(d)(1) through 12585.7(d) (5).

(1) "Habitat Objective ~~objective~~" means the objective described in Water Code Section 12585.7(d)(1).

(2) "Open Space Objective ~~objective~~" means the objective described in Water Code Section 12585.7(d)(2).

(3) "Recreation Objective ~~objective~~" means the objective described in Water Code Section 12585.7(d)(3).

(4) "Combination Objective" means a combination of the objectives described in Water Code Sections 12585.7(d)(1), 12585.7(d)(2), and 12582.7(d)(3).

~~(5)~~ 4) "Disadvantaged Impoverished Area Objective ~~objective~~" means the objective described in Water Code Section 12585.7(d)(4).

~~(6)~~ 5) "State Facilities Objective ~~objective~~" means the objective described in Water Code Section 12585.7(d)(5).

(p) "Open Space ~~space~~" is any parcel or area of land or water that is essentially unimproved and restricted ~~devoted~~ to an open-space use. ~~The open-space either is designated on an open-space or general plan or will be designated upon the next revision of the open-space element of a general plan. Open Space space is~~ must be designated as one ~~any~~ of the following:

(1) Open space for the preservation of natural resources;

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands;

(3) Open space for outdoor recreation; and

(4) Open space for public health and safety, including, but not limited to, flood plains, watersheds, and areas required for the protection of water quality or groundwater recharge.

~~(q) "Poverty level" means the monetary income standard that defines whether a family qualifies as living in a state of poverty. The poverty level is determined by using the U.S. Census Bureau's Poverty Thresholds Chart for the most current year in which data is available, average family size and the median household income, at the time the analysis is performed to determine the recommended state cost share. On the Poverty Threshold Chart, the poverty level is determined by rounding up the value of the average family size, locating that rounded up value on the size of family unit column and locating the corresponding value in the weighted average thresholds column. The corresponding weighted average threshold value is considered to be the poverty level value.~~

(q r) "Project" means a flood management project receiving financial assistance under Chapters 1 through 4, Part 6, Division 6 of the California Water Code and authorized by the Legislature on or after January 1, 2002, or a small flood management project authorized by Water Code Section 12750 for which the Department of Water Resources has made the findings required by Water Code Section 12750.1 on or after January 1, 2002.

(r s) "Report to the Legislature" is a report prepared by the Department or Board that contains a summary of the Sponsor's Final Nonfederal Cost-Sharing Report, recommendations and determinations required in Water Code Sections 12582.7 and 12585.9, and the Department or Board's recommended State Cost-Share ~~state cost share~~.

(s t) "Sponsor" means the local public agency or lead local public agency sharing in the nonfederal Project ~~project~~ cost.

(t u) "State Cost-Share ~~cost share~~" means the percentage of the nonfederal costs that the State ~~state~~ is required to pay pursuant to Water Code Section 12585.7.

(u) "State Facility" means either a State Transportation Facility or a State Water Supply Facility.

(v) "State Transportation Facility ~~transportation facility~~" is a state-numbered freeway, expressway, or highway route as identified in Division 1, Chapter 2, Article 2 of the California Streets and Highways Code, including facilities for the transportation of passengers and property to and over any toll bridge, tube or other highway crossing and the approaches to each end thereof, acquired or constructed, or in course of construction by the State ~~state~~. Where a freeway, expressway or highway is labeled with more than one

numerical designation, it shall be considered a single State Transportation Facility ~~state transportation facility~~.

In addition, a State Transportation Facility is a rail line or ship channel if the State has a substantial ownership interest in stationary facilities located within the Benefited Area that are closely associated with the rail line or ship channel and the facilities would be adversely affected by flooding in the Benefited Area. Mere state ownership of land, including submerged land, is not enough to establish that the State has a substantial ownership interest.

(w) "State Water Supply Facility ~~water supply facility~~" is a State Water Supply Facility ~~state water supply facility~~ listed in Appendix I, "Water Supply Facilities of the State Water Project."

(x) "Total Capital Cost" means the total Project cost as identified in the final project partnership agreement, final design memorandum or other approved federal Project document. It includes all costs in the federal Project subject to cost-sharing, such as construction, planning, engineering and design, construction management, lands, easements, relocations, and land disposal and mitigation costs.

(y ✕) "Tract" means the census derived geographic subdivisions of a county.

Note: Authority cited: Sections 12585.7 and 12601, Water Code.

Reference: Sections 12582.7, 12585.7, 12750, 12750.1, and 79505.5 ~~and 12585.7~~, Water Code; Section 65560 Government Code; and Division 1, Chapter 2, Article 2, Streets and Highways Code.

§ 572. Process to Determine Project Eligibility and State Cost Share.

The Department or Board shall use the following process to determine Project ~~project~~ eligibility for State Cost-Sharing ~~state cost-sharing~~:

(a) As soon as practical, a Sponsor shall notify the Department or Board in writing when it intends to participate in a federal feasibility study that would result in a request for ~~state cost-sharing~~ cost-sharing for a flood damage reduction project. The Department will need to be notified for a Project ~~project~~ that is in the state of California but not on lands along the Sacramento and San Joaquin Rivers and their tributaries and distributaries for which the Board had given assurances to the federal government. Otherwise, the Board will need to be notified for a Project ~~projects~~ on lands along the Sacramento and San Joaquin Rivers and their tributaries and distributaries for which the Board has indicated an intent to give assurances to the federal government or will provide financial assistance under Water

Code Section 12582.7. Following the notification and throughout the course of the study, contingent upon the appropriation of sufficient funds, the Department or Board staff shall review the initial scoping process, feasibility evaluation, environmental review, and Project ~~project~~ approval process to inform the Sponsor when the opportunities for including multipurpose Objectives ~~objectives~~ in the project have been adequately evaluated. While developing recommendations regarding the State Cost-Share ~~state-cost share~~, the Department or Board may consult with the Sponsor, any person or organization, local agencies, and state agencies with an interest in or jurisdiction over any of the objectives of the Project ~~project~~.

(b)(1) During the preparation of the Federal Feasibility Study Report ~~federal feasibility study report~~, the Department or Board staff shall attend a site inspection tour of the Project ~~project~~ arranged by the Sponsor. If the Project ~~project~~ is past the feasibility phase, then the Sponsor shall arrange for this tour as soon as reasonably possible. The Sponsor shall invite interested local and state agencies, organizations and persons, including the general public, by providing written or other reasonable notifications and publication at least ten calendar days before the tour. The Sponsor shall give a field and informational tour of the Project ~~project~~ and discuss opportunities to include multipurpose Objective ~~objectives~~.

(2) During the feasibility evaluation, the Department or Board shall provide the Sponsor with a written preliminary determination of eligibility for State ~~state~~ participation based on the requirements set forth in Water Code Section 12582.7(a), and an estimate of the percent of the State Cost-Share ~~state-cost share~~.

(c) Once the Project ~~project~~ is federally authorized, the Sponsor will prepare and submit a Draft Nonfederal Cost-Sharing Report to the Department or Board. This report must document the effect of the Project's ~~project's~~ nonfederal capital contributions to the multipurpose Objectives ~~objectives~~ using the methods set forth in Sections 573 and 574, and estimate the cost to the State ~~state~~ for the State's ~~state's~~ share of the Nonfederal Capital Costs ~~nonfederal capital costs~~ of the Project ~~project~~. The Sponsor shall submit:

(1) For each Objective ~~objective~~, the level of the Project's ~~project's~~ contribution and substantiating data listed in Sections 573 and 574.

(2) Substantiating data to demonstrate whether the Project ~~project~~ meets the requirements set forth in Water Code Sections 12582.7(a) and 12585.9 including the mitigation of individual and cumulative hydraulic impacts.

(3) Supporting documentation including but not limited to Federal Feasibility Study Report ~~federal feasibility study report~~ and environmental documents.

(d) The Department or Board will review the Draft Nonfederal Cost-Sharing Report for completeness and accuracy, and, if necessary, return it to the Sponsor for revisions based upon comments and recommendations of the Department or Board. The Department or Board must notify the Sponsor in writing upon determination that the Draft Nonfederal Cost-Sharing Report meets the requirements set forth in Water Code Section 12582.7(a).

(e) Within thirty days of notification that the Draft Nonfederal Cost-Sharing Report meets the requirements set forth in Water Code Section 12582.7(a), the Sponsor must post the report on the Sponsor's website and circulate the Draft Nonfederal Cost-Sharing Report to interested persons and organizations, and will allow written comments for forty-five days.

(f) The Sponsor will submit a Final Nonfederal Cost-Sharing Report to the Department or Board.

(g) The Department or Board will recommend a State Cost-Share ~~state cost share~~.

(1) If a Sponsor includes work within the Project scope for which the State is providing or has previously provided a State cost-share under any program administered by the State, costs associated with the work for which the State is providing or has previously provided a cost-share shall be deducted from the Total Capital Costs and the Nonfederal Capital Cost to determine the the portion of the costs eligible for a State Cost-Share in accordance with these regulations.

(2) If the Department or Board finds the Project will meet none of the Objectives described in Water Code Sections 12585.7(d)(1) through 12585.7(d) (5), the Department or Board will recommend that the State Cost-Share will be 50 percent.

(3) If the Department or Board recommends an increased State Cost-Share because the Project qualifies for the Disadvantaged Area Objective or State Facilities Objective, the recommendation shall be based on information that is available at the time the recommendation is made. The Department or Board may update this recommendation to reflect new information up until the time the Legislature authorizes the Project and establishes the State Cost-Share.



(4) If the Department or Board recommends an increased State Cost-Share because the Project is expected to qualify for the Habitat Objective, Open Space Objective, Recreation Objective, or Combination Objective, the recommendation shall be based on the plans provided for attainment of these Objectives at the time the recommendation is made. As a part of its recommendation to the Legislature, the Department or Board may recommend that the Legislature authorize the Department or Board to make adjustments to the State Cost-Share if there is a difference between the planned and actual expenditures made toward the Habitat Objective, Open Space Objective, Recreation Objective, or Combination Objective in accordance with Section 576(b). If the Legislature authorizes the Department or Board to make adjustments, any adjustment made shall be reported to the fiscal committees and the appropriate policy committees of the Legislature as an amendment to the Report to the Legislature.

(h) The Department or Board will submit a Report to the Legislature except in the case of small flood management projects authorized pursuant to Water Code section 12750.

(i) The Legislature will determine the final state cost share except in the case of small flood management projects authorized pursuant to Water Code section 12750.

Note: Authority cited: Sections 12582.7, 12585.7, 12585.9, 12601 and 12750, Water Code.

Reference: Sections 12582.7, 12585.7, and 12750, ~~and 12585.7~~, Water Code.

#### § 573. Contents of Draft Nonfederal Cost-Sharing Report.

The Draft Nonfederal Cost-Sharing Report shall contain the following substantiating information taken from the Federal Feasibility Study Report ~~federal feasibility study report~~ and other supporting documents:

(a) A description of the Project ~~project~~.

(b) The Project's ~~project's~~ proposed contribution for each of the multipurpose Objectives ~~objectives~~:

(1) For the Habitat Objective ~~objective~~:

(A) A narrative description of the elements of the Project ~~project~~ that contribute to the Habitat Objective ~~objective~~ and the types of habitat that are created, protected or enhanced by this Project ~~project~~; and

(B) The method of calculating the percentage of the estimated Nonfederal Capital Costs ~~nonfederal capital costs~~ that contribute to the Habitat Objective ~~objective~~.

(2) For the Open Space Objective ~~objective~~:

(A) A narrative description of the elements of the Project ~~project~~ that contribute to the Open Space Objective ~~objective~~; and

(B) The method of calculating the percentage of estimated Nonfederal Capital Costs ~~nonfederal capital costs~~ that contribute to the Open Space Objective ~~objective~~.

(3) For the Recreation Objective ~~objective~~:

(A) A narrative description of the elements of the Project ~~project~~ that contribute to the Recreation Objective ~~objective~~;

(B) The method used to calculate the accessible and inaccessible areas of Project ~~project~~ works, and the method of determining any areas withdrawn from public access because such access would constitute a threat to public safety or habitat, or would constitute a trespass on private property; and

(C) The method of calculating the percentage of the estimated Nonfederal Capital Costs ~~nonfederal capital costs~~ that contribute to the Recreation Objective ~~objective~~.

(4) For the Combination Objective:

(A) A narrative description of the elements of the Project that contribute to the Combination Objective; and

(B) The rationale used in determining the Project's contribution towards the Combination Objective.

(5 ~~4~~) For the Disadvantaged Area Objective ~~Impoverished Area objective~~:

(A) A narrative description of the elements of the Project ~~project~~ that contribute to the Disadvantaged Area Objective ~~Impoverished Area objective~~; and

(B) The rationale used in determining the Project's ~~project's~~ contribution towards the Disadvantaged Area Objective ~~Impoverished Area objective~~.

1. The method used to calculate the Project's ~~project's~~ contribution towards the Disadvantaged Area Objective ~~Impoverished Area objective~~. Provide detailed calculations regarding the increased level of flood protection for the Benefited Area ~~benefited area~~, the Benefited Area Median Annual Household Income ~~median household income~~ and Disadvantaged Area ~~poverty level~~ determination.

2. The source documentation used to evaluate the potential contribution, including publication and compilation dates. The latest ~~decennial~~ U.S. Census Bureau data is the Department's preferred choice of data source; ~~however, a Sponsor may propose an alternative calculation method that has been used or reviewed by the Department of Finance.~~ All data that is used for evaluation must be applicable to the same year most recent data available, originate from reliable sources and have details given down to the census geographic unit ~~Census Geographic Unit~~ (for example, Block Group, Tract, ~~block group, tract,~~ city, county, etc.).

3. A map of the Benefited Area ~~benefited area~~ clearly showing identified boundaries of flood protection levels and census Blocks, Block Groups, and Tracts. ~~blocks, block groups and tracts.~~ Blocks chosen for evaluation must lie at least fifty percent within the Benefited Area ~~benefited area~~.

(6 5) For the State Facilities Objective ~~objective~~:

(A) A narrative description of the State Water Supply Facilities ~~state water supply facilities~~ and State Transportation Facilities ~~state transportation facilities~~ receiving an increase in flood protection from this Project ~~project~~; and

(B) The rationale used in determining the Project's ~~project's~~ contribution towards the State Facilities Objective ~~objective~~.

1. The method used to calculate the Project's ~~project's~~ contribution towards the State Facilities Objective ~~objective~~. Provide specific details regarding flood protection improvement and the effect upon State Water Supply Facilities ~~state water supply facilities~~ and State Transportation Facilities ~~state transportation facilities~~.

2. A map of the Benefited Area ~~benefited area~~ clearly showing identified boundaries of flood protection levels and State Water Supply Facilities ~~state~~

~~water supply facilities and~~ State Transportation Facilities ~~state transportation facilities.~~

(c) The following estimated costs:

(1) Total Capital Cost ~~Total capital cost~~;

(2) The nonfederal share of the Total Capital Cost ~~total capital cost~~;

(3) The Nonfederal Capital Costs ~~nonfederal capital costs~~ of fish, wildlife, and recreation mitigation;

(4) The nonfederal planning and engineering costs;

(5) The total annual value of the benefit of providing flood protection; and

(6) The annual benefit and cost of the Project ~~project~~ allocable to flood management.

(d) The Sponsor's estimated share of the capital cost of the Project ~~project~~ towards each of the five multipurpose Objectives ~~objectives~~ (Water Code Sections 12585.7(d)(1) through (d)(5)).

Note: Authority cited: Sections 12585.7 and 12601, Water Code.

Reference: Sections 12582.7 and 12585.7, Water Code.

§ 574. Method to Determine a Significant Contribution of a Project to the Objectives.

(a) The Draft Nonfederal Cost-Sharing Report will be reviewed by an interdisciplinary Department or Board team comprised of one or more at least three technical experts in the areas of flood management and Habitat, Open Space, and/or Recreation. After the technical review, the evaluation team will provide a narrative explanation for the Project's ~~project's~~ total contribution level and the percentages of Nonfederal Capital Costs ~~nonfederal capital costs~~ assigned to each of the multipurpose Objectives ~~objectives~~. The method of calculating the total recommended State Cost-Share ~~state cost share~~ is provided in Section 575.

(b) The threshold for significant contributions for the Open Space, Habitat, and Recreation Objectives ~~objectives~~ is met when a minimum of five percent of the Nonfederal Capital Costs ~~nonfederal capital costs~~ are spent for meeting an Objective ~~objective~~. ~~Nonfederal capital costs spent for meeting one of the three objectives cannot be applied towards the other two~~

~~objectives.~~ A Project ~~project~~ with less than five percent of the Nonfederal Capital Costs ~~nonfederal capital costs~~ allocated to the Open Space, Habitat, or Recreation Objective ~~objective~~ does not meet the criteria for a significant contribution and ~~will not be eligible for an increased state cost share toward attainment of these Objectives, but contributions may be counted toward the Combination Objective.~~

(c) A Project ~~project~~ provides a significant contribution to the Disadvantaged Area Objective ~~Impoverished Area objective~~ by increasing the level of flood protection by at least ten percent to a Benefited Area ~~benefited area~~ that has a median annual household income of less than 80 ~~120~~ percent of the California Median Annual Household Income ~~poverty level~~.

(d) A Project ~~project~~ provides a significant contribution to the State Facilities Objective ~~objective~~ by increasing the level of flood protection by at least ten percent to State Water Supply Facilities ~~state water supply facilities~~ or State Transportation Facilities ~~state transportation facilities~~.

(e) The Department or Board will use the following criteria to determine the costs associated with meeting the level of contribution for each of the multipurpose Project Objectives ~~project objectives~~:

(1) Habitat Objective. A significant contribution for the Habitat Objective ~~objective~~ requires that at least five percent of the Project's ~~project's~~ estimated Nonfederal Capital Costs ~~nonfederal capital costs~~ are contributed towards protecting, creating, enhancing, or providing opportunities for enhancing endangered species, riparian, aquatic, terrestrial, or other important habitats. These habitat improvements must achieve any of the following objectives beyond what is required ~~to mitigate the project's effects on the environment~~ for the Project or mitigation:

(A) Promote recovery of at-risk native fish, vegetation or wildlife species;

(B) Improve ecological functions of aquatic and/or terrestrial habitats to support sustainable populations of diverse fish, vegetation, and wildlife species;

(C) Improve conditions for upstream migration, spawning, egg incubation, emergence, rearing and emigration of priority fish species through adjustment of river flows and temperature;

(D) Cause increases in early lifestage survival for priority fish species;

(E) Improve fish passage through modification or removal of barriers;

(F) Influence geomorphic processes within the floodplain in a manner that improves habitat or reduces the potential for fish stranding;

(G) Enhance natural processes to support, with minimal human intervention, natural habitats that support native species;

(H) Remove and/or prevent the establishment of non-native species; or

(I) Provide other important habitat restoration opportunities.

(2) Open Space Objective. A significant contribution for the Open Space ~~Objective~~ ~~objective~~ requires that at least five percent of the Project's ~~project's~~ estimated Nonfederal Capital Costs ~~nonfederal capital costs~~ are contributed towards the acquisition and preservation of Open Space ~~open space~~ beyond what is required for the Project ~~project~~ or mitigation. Such lands may be acquired in fee and are subject to restrictions, such as Open Space or conservation easements that permanently restrict the land to Open Space uses and ~~or in the form of a flowage or other open space easement~~ that secures the rights necessary for flood management operations and maintenance.

(3) Recreation Objective. A significant contribution for the Recreation ~~Objective~~ ~~objective~~ requires that at least five percent of the Project's ~~project's~~ estimated Nonfederal Capital Costs ~~nonfederal capital costs~~ are contributed towards recreational improvements, such as picnic areas and foot and bike paths, and provides public access to all or nearly all of the Project Works ~~project works~~, except those areas where public access would constitute a threat to public safety or habitat or would constitute a trespass on private property. These recreation improvements shall achieve any of the following objectives beyond what is required for the Project or mitigation: ~~to mitigate the project's effects on the environment:~~

(A) Develop and maintain trails for pedestrians, bicycles, and/or equestrians;

(B) Modify the operation of flood control facilities to increase the diversity and duration of recreational opportunities;

(C) Enhance the condition and quality of existing recreational facilities;

(D) Provide facilities for rafting, canoeing, boating, fishing, viewing wildlife, swimming or other water-dependent activities;

(E) Provide interpretive facilities and services that enhance visitor appreciation of natural, historical, and cultural resources;

(F) Relocate major trails to avoid flooding so that they may remain open all year;

(G) Enhance public beach areas;

(H) Provide linkage between recreational areas; or

(I) Provide other important public recreation opportunities.

(4) ~~Disadvantaged Area Objective~~ ~~Impoverished Area Objective~~. A significant contribution for the ~~Disadvantaged Area Objective~~ ~~Impoverished Area objective~~ requires that: (1) the Benefited Area ~~benefited area~~ receives at least a ten percent increase in flood protection and (2) the Benefited Area Median Annual Household Income ~~benefited area's median household income~~ is less than ~~80~~ 120 percent of the California Median Annual Household Income ~~U.S. poverty level~~. The increase in flood protection will be determined from either the Federal Feasibility Study Report ~~federal feasibility study report~~ or other supplemental information as deemed appropriate by the Department or Board. ~~If U.S. Census Bureau website data is chosen, then the~~ The following steps will be used to determine if the median annual household income is less than ~~80~~ 120 percent of the California Median Annual Household Income ~~U.S. poverty level~~:

(A) The Benefited Area ~~benefited area~~ will be evaluated to determine the applicable census geographic unit ~~Census Geographic Unit~~ (for example, Block Group, Tract, ~~block group~~, ~~tract~~, city, county, etc.).

(B) For a single census geographic unit ~~Census Geographic Unit~~, the median annual household income will be obtained from the U.S. Census Bureau website. For a Benefited Area ~~benefited area~~ larger than a single census geographic unit ~~Census Geographic Unit~~ or smaller than a Block Group ~~block group~~, the median annual household income may be determined by a special tabulation prepared by the U.S. Census Bureau upon request and payment of a fee.

(C) ~~The average family size for the benefited area, rounded up to the next integer, will be used on the latest decennial Poverty Threshold Chart to locate the corresponding poverty level on the chart's weighted average threshold column.~~

~~(C D)~~ The median annual household income of the Benefited Area ~~benefited area~~ will be compared to 80 120 percent of the California Median Annual Household Income ~~U.S. poverty level~~.

~~(D E)~~ The median annual household income of the Benefited Area ~~benefited area~~ must be less than 80 120 percent of the California Median Annual Household Income ~~U.S. poverty level~~.

The exact amount of the increase in the State Cost-Share will depend upon the degree to which the Benefited Area is economically disadvantaged. The enhancement is equal to the difference between the Benefited Area Median Annual Household Income and the Disadvantaged Household Income, measured as percentages of the California Median Annual Household Income (rounded to the nearest whole percentage point). During its review of the Draft Cost-Sharing Report, the Department or Board will review and may revise this estimate to better match the Benefited Area's geographic boundaries and update it for current conditions using data provided by a vendor to be selected by the Department or Board.

The Sponsor may propose an alternative calculation method for the Disadvantaged Area Objective ~~Impoverished Area objective~~. Any such proposed alternative calculation method must use data equivalent to the U.S. Census Bureau data and be used or reviewed by the Department or Board ~~of Finance~~ prior to any Department or Board determinations.

(5) State Facilities Objective. A significant contribution for the State Facilities Objective ~~objective~~ requires that State Transportation Facilities ~~state transportation facilities~~ or State Water Supply Facilities ~~state water supply facilities~~ receive at least a ten percent increase in flood protection. The increase in flood protection will be determined from either the Federal Feasibility Study Report ~~federal feasibility study report~~ or other supplemental information as deemed appropriate by the Department or Board.

(6) Combination Objective. The Sponsor will be entitled to an increase in the State Cost-Share of the Project for significant contributions to the Habitat Objective, Open Space Objective, and Recreation Objective based upon a combination of investments toward each Objective.

Note: Authority cited: Sections 12585.7 and 12601, Water Code.  
Reference: Section 12585.7, Water Code.

§ 575. Method for Determining Recommended State Cost-Share.



For a ~~Project~~ project subject to Water Code Sections 12582.7, 12585.7, and 12585.9, the recommended State Cost-Share ~~state cost share~~ is a baseline fifty percent ~~plus each recommended percentage increase for the multipurpose objectives, up to a maximum total of seventy percent.~~ for features of the Project necessary for flood control, which are those associated with the separable flood damage reduction costs. The recommended State Cost-Share shall be increased above the baseline State Cost-Share for each recommended percentage increase for the Objectives, up to a maximum total of seventy percent. The costs must be in addition to any costs that could have been classified as Project costs because they were required to mitigate the Project's effects on the environment under the California Environmental Quality Act, the National Environmental Policy Act, the Clean Water Act, the Federal Endangered Species Act, the California Endangered Species Act, or other environmental laws. Costs that establish eligibility for meeting an Objective can only be counted toward one Objective, so, for instance, costs of meeting the Open Space Objective cannot also be counted as costs of meeting the Habitat Objective. Costs that are insufficient to establish eligibility for meeting the Habitat Objective, Open Space Objective, or Recreation Objective or exceed the five, ten, or fifteen percent thresholds for these Objectives may be counted toward the Combination Objective. The recommended percentage increases will be:

- (a) Zero percent, if no Objectives ~~objectives~~ are met;
- (b) Five percent for each ~~Habitat, Open Space, or Recreation~~ significant contribution toward the Habitat Objective, Open Space Objective, or Recreation Objective when at least five percent and less than ten percent of the estimated Nonfederal Capital Cost ~~nonfederal capital costs~~ are spent for meeting an Objective ~~objective~~;
- (c) Ten percent for each ~~Habitat, Open Space, or Recreation~~ significant contribution toward the Habitat Objective, Open Space Objective, or Recreation Objective when the percent of the estimated Nonfederal Capital Cost ~~nonfederal capital costs~~ spent for meeting an Objective ~~objective~~ is at least ten percent and less than fifteen percent;
- (d) Fifteen percent for each ~~Habitat, Open Space, or Recreation~~ significant contribution toward the Habitat Objective, Open Space Objective, or Recreation Objective when the percent of the estimated Nonfederal Capital Cost ~~nonfederal capital costs~~ spent for meeting an Objective ~~objective~~ is at least fifteen percent and less than twenty percent;
- (e) Twenty percent for each ~~Habitat, Open Space, or Recreation~~ significant

contribution toward the Habitat Objective, Open Space Objective, or Recreation Objective when the percent of the estimated Nonfederal Capital Cost ~~nonfederal capital costs~~ spent for meeting an Objective ~~objective~~ is at least twenty percent;

(f) Five percent if at least five percent but less than ten percent of the estimated Nonfederal Capital Cost funds a combination of habitat improvements, acquisition and preservation of Open Space, and recreation improvements;

(g) Ten percent if at least ten percent but less than fifteen percent of the estimated Nonfederal Capital Cost funds a combination of habitat improvements, acquisition and preservation of Open Space, and recreation improvements;

(h) Fifteen percent if at least fifteen percent but less than twenty percent of the estimated Nonfederal Capital Cost funds a combination of habitat improvements, acquisition and preservation of Open Space, and recreation improvements;

(i) Twenty percent if twenty percent or more of the estimated Nonfederal Capital Cost funds a combination of habitat improvements, acquisition and preservation of Open Space, and recreation improvements;

(j) Up to twenty ~~Twenty~~ percent for a significant contribution to the Disadvantaged Area Objective ~~Impoverished Area objective~~;

(k) Five percent for a significant contribution to the State Facilities Objective by benefiting one State Facility;

(l) g ~~g~~ Ten percent for a significant contribution to the State Facilities Objective ~~objective~~ by benefiting either two State Facilities ~~state transportation facilities or two state water supply facilities~~;

(m) h ~~h~~ Fifteen percent for a significant contribution to the State Facilities Objective ~~objective~~ by benefiting either three State Facilities ~~state transportation facilities or three state water supply facilities~~;

(n) i ~~i~~ Twenty percent for a significant contribution to the State Facilities Objective ~~objective~~ by benefiting four or more State Facilities ~~two state transportation facilities and two state water supply facilities; or four state transportation facilities; or four state water supply facilities.~~

Note: Authority cited: Sections 12585.7 and 12601, Water Code.  
Reference: Section 12585.7, Water Code.

§ 576. Finality of Authorized State Cost-Share~~Cost-Share~~; Adjustment.

The State Cost-Share ~~state cost share~~ authorized by the approving authority will be the final value, except in the circumstances described below.

(a) Adjustments Due to Change of Project or Estimate of Nonfederal Capital Cost. If the Department or Board determines that there has been a substantial change in the Project ~~project~~, which would materially alter the scope or function of a Project ~~project~~, or the estimated Total Project Cost ~~total project cost~~ has changed by thirty percent or more, the contributions to the Objectives ~~objectives~~ and the recommended State Cost-Share ~~state cost share~~ must be recalculated using the methods described in Sections 574 and 575. ~~If the resulting recommended state cost share is different than the previously authorized state cost share, the Department or Board will submit the revised information to the approving authority as an addendum to the report as required by Water Code Section 12582.7(b). The addendum must include all the items required in Section 573(b).~~

(1) If the resulting recommended state cost share is different than the previously authorized state cost share, the Department or Board will submit the revised information to the approving authority as an addendum to the report as required by Water Code Section 12582.7(b). The addendum must include all the items required in Section 573(b).

(2 b) If a new State Cost-Share ~~state cost share~~ is authorized that is less than the previously authorized State Cost-Share ~~state cost share~~, then the new State Cost-Share ~~state cost share~~ will apply, and the Department or the Board may seek a refund of Project ~~project~~ reimbursements made or withhold further reimbursements until the revised contribution percentage is achieved.

(3 e) If a new State Cost-Share ~~state cost share~~ is authorized that is more than the previously authorized State Cost-Share ~~state cost share~~, then the new State Cost-Share ~~state cost share~~ will apply and the Department or Board shall pay additional costs authorized as funds may be available.

(b) Adjustments Due to Differences Between Planned and Actual Attainment of Supplemental Objectives.

If the Report to the Legislature provided pursuant to Section 572(h) contains an increased State Cost-Share because the Project includes plans for attainment of the Habitat Objective, Open Space Objective, Recreation Objective, or Combination Objective, the Department or Board shall include a recommendation that the Department or Board be given authority to make

adjustments to the State's Cost-Share in the event that there is a difference between the planned and actual expenditures made toward attainment of these Objectives. If the Legislature gives the Department or Board authority to make adjustments, the final State Cost-Share will be established at the Project completion/closeout, or any final audit, if any. The State Cost-Share towards these enhancements will be based on the final contribution to each Objective made by the Sponsor. Adjustments to the State's Cost-Share will be reported to the Legislature, as provided for in Section 572(g)(4).

(c) Adjustments for Small Flood Management Projects

For small flood management projects authorized by Section 12750, the Department shall determine the State's Cost-Share and the Department may adjust the State's Cost-Share if there are changes to the Project or differences between planned and actual expenditures toward the Habitat Objective, Open Space Objective, Recreation Objective, or Combination Objective.

Note: Authority cited: Sections 12582.7, 12585.7 and 12601, Water Code.  
Reference: Section 12585.7 and 12750, Water Code.

1.23 CCR  
APPENDIX 1

Water Supply Facilities of the State Water Project

Part A. Aqueducts of the State Water Project, Including Joint Use Facilities:

<ol style="list-style-type: none"> <li>1. Upper Feather River Division <ol style="list-style-type: none"> <li>a. Grizzly Valley Pipeline</li> </ol> </li> <li>2. Oroville Division <ol style="list-style-type: none"> <li>a. Thermalito Power Canal</li> </ol> </li> <li>3. North Bay Aqueduct <ol style="list-style-type: none"> <li>a. Napa Pipeline</li> <li>b. Phase II Pipeline</li> </ol> </li> <li>4. South Bay Aqueduct <ol style="list-style-type: none"> <li>a. Brushy Creek Pipeline</li> <li>b. Dyer Canal</li> <li>c. Altamont Pipeline</li> <li>d. Livermore Valley Canal</li> <li>e. Alameda Canal</li> <li>f. Del Valle Pipeline</li> <li>g. Del Valle Branch Pipeline</li> <li>h. La Costa Tunnel</li> <li>i. Sunol Pipeline</li> <li>j. Mission Tunnel</li> <li>k. Santa Clara Pipeline</li> </ol> </li> <li>5. Governor Edmund G. Brown California Aqueduct</li> <li>6. San Luis Division <ol style="list-style-type: none"> <li>a. E.G. Brown California Aqueduct</li> <li>b. San Luis Canal</li> </ol> </li> <li>7. South San Joaquin Division <ol style="list-style-type: none"> <li>a. E.G. Brown California Aqueduct</li> </ol> </li> <li>8. Tehachapi Division <ol style="list-style-type: none"> <li>a. Tehachapi Tunnel No. 1</li> <li>b. Tehachapi Siphon No. 1</li> <li>c. Tehachapi Tunnel No. 2</li> <li>d. Pastoria Siphon</li> <li>e. Tehachapi Tunnel No. 3</li> <li>f. Carley V. Porter Tunnel</li> </ol> </li> <li>9. Mojave Division <ol style="list-style-type: none"> <li>a. Cottonwood Chutes</li> <li>b. Mojave Siphon</li> <li>c. Mojave Siphon Second Pipeline</li> <li>d. Mojave Siphon Powerplant Tunnel</li> <li>e. East Branch Aqueduct</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>10. Santa Ana Division <ol style="list-style-type: none"> <li>a. San Bernardino Tunnel</li> <li>b. Santa Ana Pipeline</li> </ol> </li> <li>11. West Branch <ol style="list-style-type: none"> <li>a. Oso Canal</li> <li>b. Quail Canal</li> <li>c. Lower Quail Canal</li> <li>d. Peace Valley Pipeline</li> <li>e. Gorman Creek Channel Improvements</li> <li>f. Angeles Tunnel</li> </ol> </li> <li>12. Coastal Branch <ol style="list-style-type: none"> <li>a. Coastal Aqueduct</li> <li>b. Phase I Canal</li> <li>c. Phase II Pipeline:</li> </ol> <ol style="list-style-type: none"> <li>A. Reach No. 1 - Devil's Den to Cholame Valley</li> <li>B. Reach No. 2 - Cholame Valley to Shedd Canyon</li> <li>C. Reach No. 3 - Shedd Canyon to Calf Canyon</li> <li>D. Reach No. 4 - Calf Canyon to Cuesta Canyon</li> <li>E. Cuesta Tunnel</li> <li>F. Reach No. 5A1 - Cuesta Tunnel to Fiscalini Ranch</li> <li>G. Reach No. 5A2 - Fiscalini Ranch to Talley Farms</li> <li>H. Reach No. 5B - Talley Farms to Nipomo</li> <li>I. Reach No. 6 - Nipomo to Vandenberg Air Force Base</li> </ol> </li> </ol>
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Part B. Hydroelectric or Pumping Plants of the State Water Project:

<ol style="list-style-type: none"> <li>1. Oroville Division <ol style="list-style-type: none"> <li>a. Edward Hyatt Powerplant</li> <li>b. Thermalito Powerplant</li> <li>c. Thermalito Diversion Dam Powerplant</li> <li>d. Sutter-Butte Outlet Powerplant</li> </ol> </li> <li>2. North Bay Aqueduct <ol style="list-style-type: none"> <li>a. Barker Slough Pumping Plant</li> <li>b. Cordelia Pumping Plant</li> </ol> </li> <li>3. South Bay Aqueduct <ol style="list-style-type: none"> <li>a. South Bay Pumping Plant</li> <li>b. Del Valle Pumping Plant</li> </ol> </li> <li>4. North San Joaquin Division <ol style="list-style-type: none"> <li>a. Harvey O. Banks Delta Pumping Plant</li> </ol> </li> <li>5. San Luis Division <ol style="list-style-type: none"> <li>a. William R. Gianelli Pumping - Generating Plant</li> <li>b. Dos Amigos Pumping Plant</li> </ol> </li> <li>6. South San Joaquin Division <ol style="list-style-type: none"> <li>a. Buena Vista Pumping Plant</li> <li>b. John R. Teerink Wheeler Ridge Pumping Plant</li> <li>c. Ira J. Chrisman Wind Gap Pumping Plant</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>7. Tehachapi Division <ol style="list-style-type: none"> <li>a. A.D. Edmonston Pumping Plant</li> </ol> </li> <li>8. Mojave Division <ol style="list-style-type: none"> <li>a. Alamo Powerplant</li> <li>b. Pearblossom Pumping Plant</li> <li>c. Mojave Siphon Powerplant</li> </ol> </li> <li>9. Santa Ana Division <ol style="list-style-type: none"> <li>a. Devil Canyon Powerplant</li> </ol> </li> <li>10. West Branch <ol style="list-style-type: none"> <li>a. Oso Pumping Plant</li> <li>b. William E. Warne Powerplant</li> <li>c. Castaic Powerplant</li> </ol> </li> <li>11. Coastal Branch <ol style="list-style-type: none"> <li>a. Las Perillas Pumping Plant</li> <li>b. Badger Hill Pumping Plant</li> <li>c. Devil's Den Pumping Plant</li> <li>d. Bluestone Pumping Plant</li> <li>e. Polonio Pass Pumping Plant</li> </ol> </li> </ol>
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### Part C. Reservoirs or Dams of the State Water Project:

<ol style="list-style-type: none"> <li>1. Upper Feather River Division <ol style="list-style-type: none"> <li>a. Frenchman Dam</li> <li>b. Frenchman Lake</li> <li>c. Antelope Dam</li> <li>d. Antelope Lake</li> <li>e. Grizzly Valley Dam</li> <li>f. Lake Davis</li> </ol> </li> <li>2. Oroville Division <ol style="list-style-type: none"> <li>a. Oroville Dam</li> <li>b. Lake Oroville</li> <li>c. Parish Camp Saddle Dam</li> <li>d. Bidwell Canyon Saddle Dam</li> <li>e. Feather River Fish Barrier Dam</li> <li>f. Thermalito Diversion Dam</li> <li>g. Thermalito Diversion Pool</li> <li>h. Thermalito Forebay Dam</li> <li>i. Thermalito Forebay</li> <li>j. Thermalito Afterbay Dam</li> <li>k. Thermalito Afterbay</li> </ol> </li> <li>3. North Bay Aqueduct <ol style="list-style-type: none"> <li>a. Napa Turnout Reservoir</li> <li>b. Cordelia Forebay</li> </ol> </li> <li>4. South Bay Aqueduct <ol style="list-style-type: none"> <li>a. Patterson Reservoir</li> <li>b. <del>Dyer Reservoir</del> <del>Del Valle Dam</del></li> <li>c. <del>Del Valle Dam</del> <del>Lake Del Valle</del></li> <li>d. <u>Lake Del Valle</u></li> </ol> </li> <li>5. North San Joaquin Division <ol style="list-style-type: none"> <li>a. Clifton Court Forebay Dam</li> <li>b. Clifton Court Forebay</li> <li>c. Bethany Dams</li> <li>d. Bethany Reservoir</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>6. San Luis Division <ol style="list-style-type: none"> <li>a. O'Neill Dam</li> <li>b. O'Neill Forebay</li> <li>c. B.F. Sisk San Luis Dam</li> <li>d. San Luis Reservoir</li> <li>e. Los Banos Detention Dam</li> <li>f. Los Banos Reservoir</li> <li>g. Little Panoche Detention Dam</li> <li>h. Little Panoche Reservoir</li> <li>i. Arroyo Pasajero Impoundment Basin</li> </ol> </li> <li>7. Tehachapi Division <ol style="list-style-type: none"> <li>a. Tehachapi Afterbay</li> </ol> </li> <li>8. Mojave Division <ol style="list-style-type: none"> <li>a. Cedar Springs Dam</li> <li>b. Silverwood Lake</li> </ol> </li> <li>9. Santa Ana Division <ol style="list-style-type: none"> <li>a. Devil Canyon Powerplant Afterbay</li> <li>b. Devil Canyon Powerplant Second Afterbay</li> <li>c. Perris Dam</li> <li>d. Lake Perris</li> </ol> </li> <li>10. West Branch <ol style="list-style-type: none"> <li>a. Quail Lake</li> <li>b. Pyramid Dam</li> <li>c. Pyramid Lake</li> <li>d. Elderberry Forebay</li> <li>e. Elderberry Forebay Dam</li> <li>f. Castaic Dam</li> <li>g. Castaic Lake</li> </ol> </li> <li>11. <u>East Branch</u> <ol style="list-style-type: none"> <li>a. <u>Crafton Hills Reservoir</u></li> </ol> </li> </ol>
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### Part D. Other Water Supply Facilities of the State Water Project:

<ol style="list-style-type: none"> <li>1. Oroville Division <ol style="list-style-type: none"> <li>a. Oroville Area Control Center</li> </ol> </li> <li>2. North Bay Aqueduct <ol style="list-style-type: none"> <li>a. Cordelia Surge Tank</li> <li>b. Creston Surge Tank</li> <li>c. Travis Surge Tank</li> </ol> </li> <li>3. South Bay Aqueduct <ol style="list-style-type: none"> <li>a. Santa Clara Terminal Facilities</li> </ol> </li> <li>4. North San Joaquin Division <ol style="list-style-type: none"> <li>a. Delta Area Control Center</li> </ol> </li> <li>5. San Luis Division <ol style="list-style-type: none"> <li>a. San Luis Area Control Center</li> </ol> </li> <li>6. South San Joaquin Division <ol style="list-style-type: none"> <li>a. Kern River Intertie</li> <li>b. San Joaquin Area Control Center</li> </ol> </li> <li>7. Mojave Division <ol style="list-style-type: none"> <li>a. First Los Angeles Aqueduct Connection</li> <li>b. Cedar Springs Dam Maintenance Station</li> <li>c. <u>Cedar Springs Maintenance Building</u></li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>8. Santa Ana Division <ol style="list-style-type: none"> <li>a. San Bernardino Tunnel Intake Structure</li> <li>b. Perris Dam Maintenance Station</li> </ol> </li> <li>9. West Branch <ol style="list-style-type: none"> <li>a. Angeles Tunnel Intake Works</li> <li>b. Southern California Area Control Center</li> </ol> </li> <li>10. East Branch <ol style="list-style-type: none"> <li>a. First Los Angeles Aqueduct Connection</li> </ol> </li> <li>11. Coastal Branch <ol style="list-style-type: none"> <li>a. Tank Site 1 - Polonio Pass</li> <li>b. Tank Site 2 - Creston</li> </ol> </li> <li>12. <u>Oso Pumping Plant</u> <ol style="list-style-type: none"> <li>a. <u>Oso Pumping Plant Maintenance Building</u></li> </ol> </li> </ol>
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